

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 10/19/2021**

UNITED STATES OF AMERICA,

Plaintiff,

v.

NEW YORK PRODUCE EXCHANGE;
E.W. SAYBOLT & INC.; JOSEPH H.
MCCABE; and RANDOLPH W. SLUTER,
d/b/a CHAS. MARTIN & CO.,

Defendants.

No. 20-mc-0779 (RA)

ORDER TERMINATING
FINAL JUDGMENT

RONNIE ABRAMS, United States District Judge:

WHEREAS, the Court having received the motion of Plaintiff United States of America for termination of the final judgment entered in the above-captioned case, and the Court having considered all papers filed in connection with this motion;

WHEREAS, Federal Rule of Civil Procedure 60(b) provides that “[o]n a motion and just terms, the court may relieve a party . . . from a final judgment . . . [when] applying it prospectively is no longer equitable” or “for any other reason that justifies relief,” Fed. R. Civ. P. 60(b)(5)-(6);

WHEREAS, the corporate defendants either no longer exist, are no longer active, or do not object to this motion; and the individual defendants are presumed to be deceased or retired, *see* Dkt. 1 at 9-10; Dkt. 1-4 at 2-3;

WHEREAS, the United States has provided adequate notice to the public regarding its intent to seek termination of the judgment and has received no comments concerning the judgment, *see* Dkt. 1 at 10;

WHEREAS, based on the foregoing, the Court deems that terminating the antitrust judgment is consistent with the public interest, *United States v. Int'l Bus. Machines Corp.*, 163 F.3d 737, 740 (2d Cir. 1998) (allowing consensual termination of antitrust decrees only upon a court's determination that termination will serve the "public interest"); *id.* at 741 ("[T]he court should ask how likely it is that the defendant will thereafter engage in the actual [conduct prohibited by the judgment] following termination of the Decree.").

It is hereby:

ORDERED, ADJUDGED, AND DECREED: That said final judgment is hereby terminated. The Clerk of Court is respectfully directed to terminate the item at Docket No. 1 and close this case.

SO ORDERED.

Dated: October 19, 2021
New York, New York

A handwritten signature in blue ink, appearing to be 'RA' followed by a long horizontal stroke.

Hon. Ronnie Abrams